

Remarks/Arguments

Claims 18-27 are remain pending in this application. A Request For Continued Examination (RCE) accompanies this paper. Reexamination and reconsideration are requested. Claims 22-23 have been cancelled.

As an initial matter, claims 18-27 were rejected on the grounds of statutory obviousness-type double patenting in view of claims 1-11 of the parent U.S. Patent No. 6,715,626. To resolve this issue, Applicants note that the present United States Application No. 10/805,784 is commonly owned by SIG Blowtec GmbH & Company, KG, as recorded at the U.S.P.T.O. Accordingly, upon indication of allowable subject matter, Applicants are prepared to supply a Terminal Disclaimer in compliance with 37 C.F.R. 1.321(c) or 1.321(d) to obviate the provisional double patenting rejection that has been entered in this case.

Claim 18 has been amended to recite

“A fuel container ~~of plastic material~~ comprising;

a plastic container body consisting of ~~having~~ two sections, each section having wall portions, said wall portions having inner and outer wall surfaces, said inner wall surface of one section joined to said outer wall surface of the other section by first and second welded seams, wherein said first and second welded seams are separated by a duct, said duct extending in the longitudinal direction of said wall portions, and

means for filling the duct with air and venting same of air, wherein said two sections comprise first and second shell portions and wherein said shell portions are obtained from a molded container.”

Support may be found in original claims 22 and 23 as well as at paragraph [0015] of the published U.S. Application which recites “[a]s an alternative thereto the fuel container can be formed from two half-shell portions...” Claim 18 now recites the plastic container body consists of two sections, with the inner wall surface of one section joined to the outer wall section of the other section by welded seams, which is therefore interpreted to apply to the use of just welded seams, and no other joining flanges as

shown in Stromsoe. Accordingly, claim 18 is believed to define over the Stromsoe reference under both 35 USC 102 and/or 103, which relies upon welding of external flanges of two pipes.

Claims 23 and 27 were rejected under 35 U.S.C. 112, second paragraph, as being indefinite for including product by process language. Claim 23 has been cancelled.

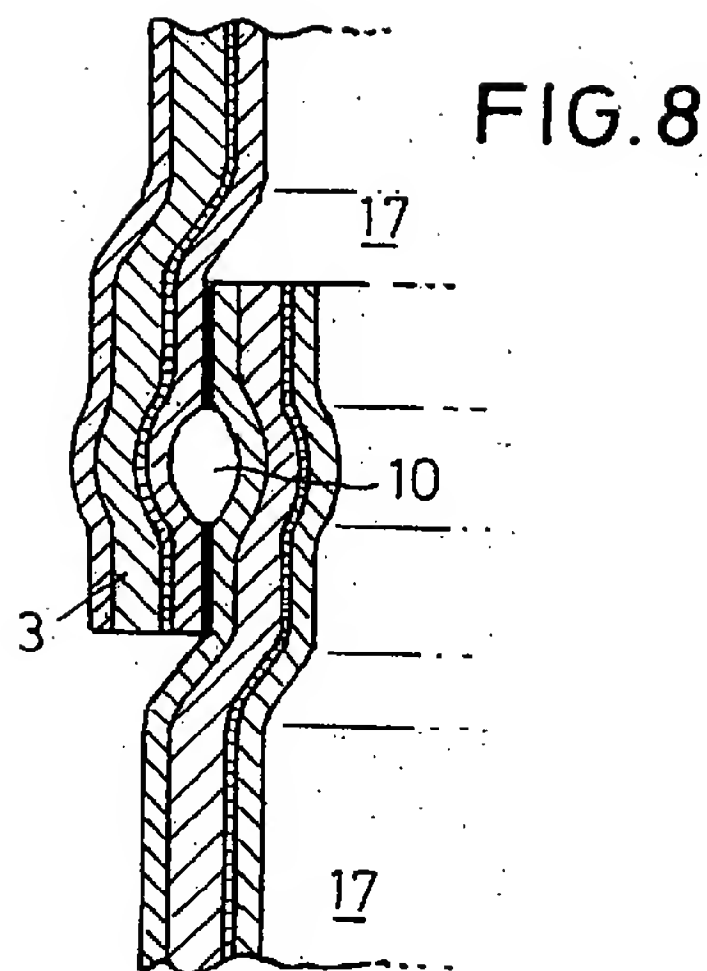
Claim 27 has been amended to recite

“A container as set forth in claim 18 comprising a multi-layer preform, having a wall including at least one barrier layer for hydrocarbons.” Support may be found at paragraph [0013] of the published U.S. application which recites “[i]n the case of a fuel container which was produced by extrusion blow molding from *a multi-layer preform*, a preferred feature can provide that the duct was produced by recesses or openings in the edges of the blow molding mold” and at paragraph [0030] which recites “[t]he illustrated fuel container 1 is preferably in the form of a hollow molding produced by extrusion blow molding, with a *multi-layer container* wall as indicated at 3 in **FIG. 2**, which in known manner involves a six-layer structure including an inwardly disposed barrier layer 4 to afford permeability resistance for hydrocarbons.”

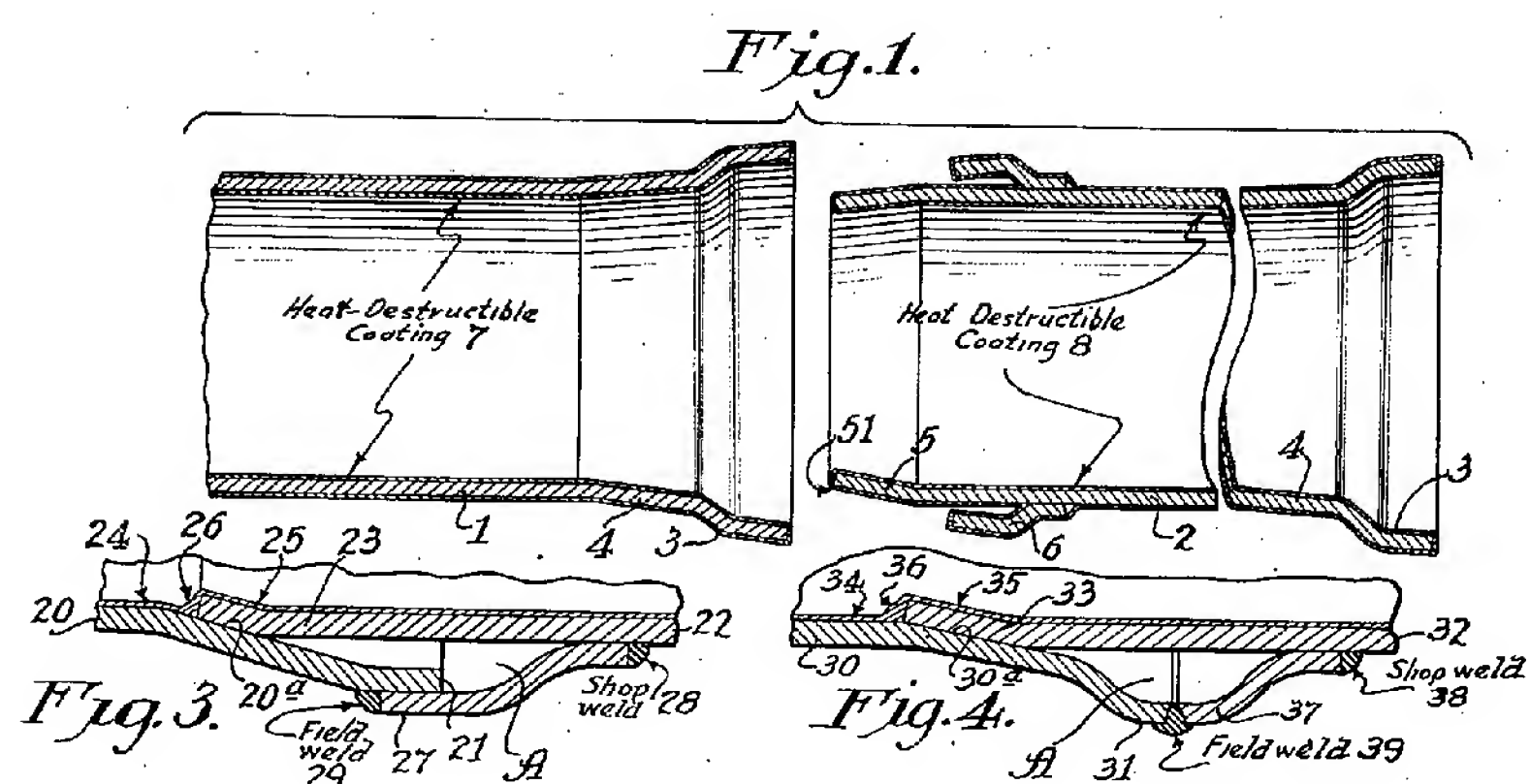
Claims 18-27 have been rejected under 35 U.S.C. § 102(b) as being anticipated by Stromsoe. As alluded to above, Stromsoe appears to be directed at a pipe joint for providing a welded, brazed or soldered metal conduit construction, whereby a bell end and a spigot end may be heat fused, the spigot end being radially spaced from the pipe section such that heat destructible coatings on the inside of the pipe are not adversely effected by the fusion process.

Amended independent claim 18 recites “said inner wall surface of one section joined to said outer wall surface of the other section by first and second welded seams, wherein said first and second welded seams are separated by a duct, said duct extending in the longitudinal direction of said wall portions, ...” (Emphasis added).

This is shown as **FIG. 8** of the published parent application, as reproduced below:



By contrast, Stromsoe '154 discloses a bell 1 and spigot 2 pipe assembly wherein welded seams 28 and 29 (see FIG. 3 reproduced below) attach outwardly spaced flange or skirt member 6 or 27 to the pipe section 22 by shop welding. Then, a field weld is applied between the pipe portion 21 (an extension of 3) and the flange 27 at 29.



Welding of both seams is *not just* between the inner wall surface of one section and the outer wall surface of a second section. In all of the figures of Stromsoe, a second welded seam is formed between a peripherally extending flange member 6 and bell portion 3.

Further, the reference is directed at metallic conduits rather than a fuel container

of plastic material. Please note that in amended claim 18 the recitation of “plastic” is now in the body of the claim and not in the preamble.

More significantly, as noted above claim 18 has been amended to recite that the fuel container is a plastic container body consisting of two sections...”. It is believed that this distinguishes the present invention over the art of Stromsoe, which as noted, utilizes that additional feature of a joining flange 27 (see again **FIG. 3**). Or, stated another way, Stromsoe illustrates in **FIG. 3** the space “A” via use of the joining flange **29** or peripherally extending skirt (see column 1, lines 18-33) and failed to teach or suggest how one could in fact develop any sort of space at a location between the outer wall of pipe section **22** and the inner wall of pipe section **20**.

Finally, amended claim 18 now includes the matter of original claims 22 and 23 “wherein said two sections comprise first and second shell portions and wherein said shell portions are obtained from a molded container.” Stromsoe discloses pipe sections which have bell and spigot portions at their ends to be connected together to form a joint structure by welding, brazing or soldering. The sections are described as “metallic conduit construction” and cannot be considered to be *shell* portions obtained from a *molded container*. Stromsoe is directed at the joining of sections of pipe.

Claim 25 stands rejected under 35 USC §103(a) as being unpatentable over Stromsoe. However, as claim 25 is indirectly dependent upon claim 18, Applicants respectfully submit that the claimed subject matter defines over the reference as discussed above.

For all of the above reasons, it is believed that Stromsoe does not support a rejection under 35 USC 102 and/or 103 and that the amended claims herein define over this reference.

Having dealt with all the objections raised by the Examiner, it is respectfully submitted that the present application, as amended, is in condition for allowance. Thus, early allowance is earnestly solicited.

If the Examiner desires personal contact for further disposition of this case, the Examiner is invited to call the undersigned Attorney at 603.668.6560.

In the event there are any fees due, please charge them to our Deposit Account No. 50-2121.

Respectfully submitted,

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